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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 11 2016

SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON

10  
11 UNITED STATES OF AMERICA, )  
12 )  
13 Plaintiff, ) NO: 2:15-CR-0082-RMP-1  
14 )  
15 vs. )  
16 )  
17 LEROY H. GONZALEZ, ) **PRE-TRIAL DIVERSION AGREEMENT**  
18 )  
19 Defendant. )

20 **I. PRE-TRIAL DIVERSION AGREEMENT**

21 It is alleged by an Indictment filed on August 18, 2015, in Cause Number  
22 2:15-CR-0082-RMP-1, that LEROY H. GONZALEZ committed the following  
23 offenses against the United States in the Eastern District of Washington:

24 **COUNT 1**

25 That beginning on or about October 7, 2014, and continuing through on or  
26 about December 17, 2014, in the Eastern District of Washington, DANIEL F.  
27 DULL, and LEROY H. GONZALEZ, Defendants herein, did knowingly and  
28 intentionally distribute a mixture or substance containing a detectable amount of

PRE-TRIAL DIVERSION AGREEMENT – 1

Leroy H. Gonzalez

1 oxycodone hydrochloride, an opiate and Schedule II controlled substance, listed at  
2 21 U.S.C. § 812(c), specifically in the form of pills containing oxycodone  
3 hydrochloride, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C), and 18 U.S.C. § 2.

4 It appears, however, after a comprehensive investigation of the offense and  
5 that of LEROY H. GONZALEZ's background, that the interests of the United  
6 States and LEROY H. GONZALEZ's own interests, and the interests of justice,  
7 will be best served by the following procedure, therefore:

8 On the authority of the Attorney General of the United States, by MICHAEL  
9 C. ORMSBY, United States Attorney for the Eastern District of Washington, and  
10 Jared C. Kimball, Assistant United States Attorney for the Eastern District of  
11 Washington, prosecution in this District for these offenses shall be deferred for a  
12 period of thirty-six (36) months from the date of the filing of this Agreement,  
13 provided that you abide by the following conditions and the requirements of the  
14 Pre-Trial Diversion program set out in detail below.

15 Should you violate any conditions of this supervision, the United States  
16 Attorney or his designee may revoke or modify any conditions of this Pre-Trial  
17 Diversion program or change the period of supervision for an additional period  
18 which shall in no case exceed twelve (12) months from the original termination  
19 date of the diversion agreement. The United States Attorney may release you from  
20 supervision at any time. The United States Attorney may at any time within the  
21 period of your supervision reinstate prosecution for the underlying offenses should  
22 you violate any of the conditions of this supervision and will furnish you with  
23 notice specifying the conditions of your program which you have violated.

24 If, upon successful completion of the program and your period of  
25 supervision, a Pre-Trial Diversion report is received to the effect that you have  
26 complied with all the rules, regulations and conditions above mentioned, the  
27  
28

1 United States will move to dismiss, with prejudice, the charges for the above  
2 described offenses.

3 Neither this Agreement nor any other document filed with the United States  
4 Attorney as a result of your participation in the Pre-Trial Diversion Program will  
5 be used against you in connection with any prosecution for the above described  
6 offenses or be provided to any other person or entity other than the United States  
7 Attorney's Office, United States District Court, and the United States Probation  
8 Office without Court order or as otherwise required by law.  
9

## 10 **II. CONDITIONS OF PRE-TRIAL DIVERSION**

11 1. You shall not commit a violation of any law (federal, state and local).  
12 This condition shall not apply to simple moving (traffic) infractions. You  
13 shall immediately contact your diversion supervisor if arrested and/or  
14 questioned by any law enforcement officer.

15 2. You shall consistently be enrolled and achieving passing grades in  
16 college/graduate school or be employed at a lawful occupation.

17 3. You shall continue to live in the Eastern District of Washington. If  
18 you desire to move out of the district, you shall obtain permission from your  
19 diversion supervisor so that the appropriate transfer of program  
20 responsibility can be made prior to your intended relocation.

21 4. You shall report to your diversion supervisor as directed and shall  
22 keep him/her informed of your whereabouts. The diversion supervisor will  
23 determine the frequency and manner of such reporting.

24 5. You shall not possess, control and/or consume any controlled  
25 substance without a valid prescription nor possess items commonly used for  
26 the consumption of such substances (drug paraphernalia), or be in any place  
27 where such substances are located, controlled and/or consumed. For  
28 purposes of this diversion agreement, you are agreeing that marijuana is a

1 controlled substance under Federal Law and you agree further that you will  
2 not use marijuana or seek a prescription for medical marijuana while under  
3 the terms of this diversion agreement.<sup>1</sup>

4 6. You shall submit a sample for urinalysis for controlled substances at  
5 the request and discretion of your diversion supervisor.

6 7. You shall testify truthfully if called as a witness at any state or federal  
7 court proceeding.

8 8. You shall consent to a search of your person and/or residence upon  
9 request of the diversion supervisor.

10 9. You shall obtain a drug/alcohol dependency evaluation and follow all  
11 treatment recommendations.  
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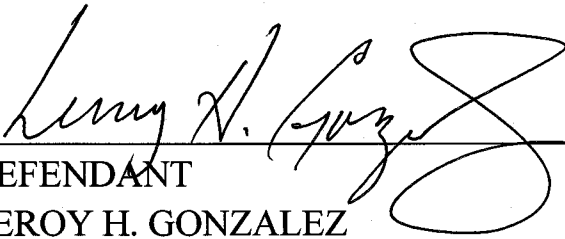
13  
14 I, LEROY H. GONZALEZ, assert and certify that I am aware of the fact that  
15 the Sixth Amendment to the Constitution of the United States provides that in all  
16 criminal prosecutions the accused shall enjoy the right to a speedy and public trial.  
17 I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure  
18 provides that the Court may dismiss an indictment, information, or complaint for  
19 unnecessary delay in presenting a charge to the Grand Jury, filing an information,  
20 or in bringing a defendant to trial. I hereby request that the United States Attorney  
21 for the Eastern District of Washington defer any prosecution of me for violations  
22

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23 <sup>1</sup> The Defendant is authorized to assist his father by collecting prescription  
24 medication on his father's behalf. The Defendant is authorized to deliver such  
25 medication to his father, but is prohibited from storing or keeping any of his  
26 father's prescribed medicine(s). This exception is designed only to allow the  
27 Defendant to pick up and deliver such prescribed medicine so that the Defendant  
28 can provide this assistance to his father.

1 of 18 U.S.C. §§ 841 and 846, as described herein, for a period of thirty-six (36)  
 2 months, and to induce him to defer such prosecution I agree and consent that any  
 3 delay from the date of this Agreement to the date of the initiation of the  
 4 prosecution, as provided for in the terms expressed herein, shall be deemed to be a  
 5 necessary delay at my request and I waive any defense to such prosecution on the  
 6 ground that such delay operated to deny my rights under Rule 48(b) of the Federal  
 7 Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the  
 8 United States to a speedy trial or to bar the prosecution by reason of the running of  
 9 the statute of limitations for the effective period of this Diversion Agreement.

10 I hereby state that the above has been read by me and explained to me by my  
 11 attorney. I understand the conditions of my Pre-Trial Diversion and agree that I  
 12 will comply with them fully.  
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14  
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 16  
 17 DEFENDANT

18 LEROY H. GONZALEZ

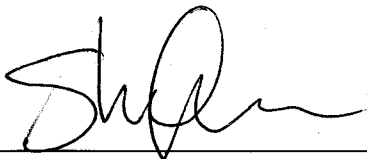
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 JOHN B. McENTIRE IV  
 Attorney for LEROY H. GONZALEZ

1/11/16  
 DATE

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 JARED C. KIMBALL  
 Assistant United States Attorney

1.11.16  
 DATE

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2 U.S. PROBATION OFFICER

1/11/2016

DATE

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9 APPROVED without passing judgment on the merits or wisdom of this diversion.

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11 

12  
13 HONORABLE ROSANNA MALOUF PETERSON

14 Chief United States District Court Judge

1/11/2016

DATE